



# Town of New Windsor

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## OFFICE OF THE PLANNING BOARD

WEDNESDAY -- OCTOBER 10, 2007 - 7:30 PM  
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED: July 25, 2007 & August 8, 2007

ANNUAL MOBILE HOME PARK REVIEW:

A. WINDSOR HTS. MOBILE HOME PARK - OFF RILEY ROAD

PUBLIC HEARINGS:

1. QUASSAICK BRIDGE FIRE CO. (07-22) WALSH AVE. - Proposed new fire house facility.

REGULAR ITEMS:

2. WAREX TERMINALS / EASTERN HARBOUR ASSOC. (07-28) RIVER ROAD (SHAW) Proposed commercial lot line change.
3. LANDS OF NADAS SUBDIVISION (07-19) BULL ROAD (DeKay) Proposed 2-lot residential subdivision.
4. HIGHVIEW ESTATES SUBDIVISION/L.L.CHG (06-09) PAUL COURT (ZIMMERMAN) Proposed four lot residential subdivision with lot line change.

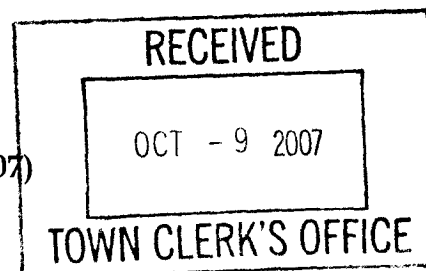
DISCUSSION:

5. KNOX VILLAGE SENIOR PROJECT - RECOMMENDATION
6. REFERRALS FROM TOWN BOARD - SENIOR HOUSING PROJECTS

CORRESPONDENCE:

ADJOURNMENT

(NEXT MEETING - OCTOBER 24, 2007)



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TOWN OF NEW WINDSOR

PLANNING BOARD

OCTOBER 10, 2007

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN  
HENRY VAN LEEUWEN  
HOWARD BROWN  
DANIEL GALLAGHER

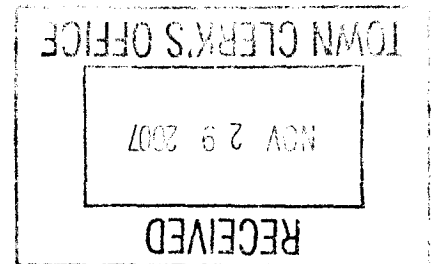
ALSO PRESENT: MARK EDSALL, P.E.  
PLANNING BOARD ENGINEER

MYRA MASON  
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.  
PLANNING BOARD ATTORNEY

ABSENT: NEIL SCHLESINGER  
HENRY SCHEIBLE

MICHAEL BABCOCK  
BUILDING INSPECTOR



REGULAR MEETING

MR. ARGENIO: I'd like to call to order the October 10, 2007 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

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MR. ARGENIO: With us tonight is Dominic Cordisco, Mark Edsall is here. As I said, we do have a quorum, we'll need a majority vote to carry a motion. Howard and Danny are here and myself and I believe Mr. Van Leeuwen will be along soon but maybe he was detained for some reason. I'm also happy to tell everybody in the audience that Mike Babcock is doing very well after his surgery and is grateful for all the thoughts and prayers that everybody has offered him.

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ANNUAL\_MOBILE\_HOME\_PARK\_REVIEW:

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MR. ARGENIO: First item on the agenda tonight is Windsor Heights Mobile Home Park off Riley Road. Somebody here to represent this? Nobody's raising their hand, we're going to table that and we'll come back at the end of the meeting. Let the record reflect that Mr. Van Leeuwen has just joined us. Welcome, Mr. VanLeeuwen.

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PUBLIC\_HEARINGS:

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QUASSAICK\_BRIDGE\_FIRE\_CO.\_(07-22)

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MR. ARGENIO: Next item is Quassaick Bridge Fire Company and they're here for a public hearing. Somebody here to represent this? I see Mr. Jack Babcock and what's your name, sir?

MR. PASSAROTTI: Charles Passarotti from Collins & Scoville.

MR. ARGENIO: What I'd like you to do please is to show the board what you're going to do, give us a brief description of what you'd like to do and we'll review it, if we have any questions, we'll certainly ask you. And after that we'll open it up to the public for their comments. So please proceed.

MR. PASSAROTTI: What we're proposing to do is construct a new firehouse on property adjacent to the existing firehouse that's here on the corner of Walsh Avenue and Cedar Avenue. The first firehouse is approximately 15,000 square feet and the phasing of the project will be demolition of the existing structure, construction of the new firehouse, occupation of the new firehouse and then demolition of the existing firehouse.

MR. ARGENIO: Taking the old firehouse down?

MR. PASSAROTTI: Yes, sir. SEQRA review process has been completed by the fire company, correct?

MR. EDSALL: The fire district was lead agency and they have completed that process.

MR. ARGENIO: Your comments are very short and sweet, Mark, what's that a reflection of, anything specifically?

MR. EDSALL: Well, as usual, I believe that the purpose of the public hearing is to get input so we can determine what's open items relative to the public concerns. Secondly, we're in the process of finalizing the storm water review, there are some outstanding items that need to be finalized. I have been working with Mr. Babcock on interfacing what the fire district's proposing to do along the town road with what's appropriate for the town road and I think it's coming out very well but that's being finalized so--

MR. ARGENIO: Are you receiving input from Anthony Fayon on that? Has Anthony reviewed this yet?

MR. EDSALL: I believe Anthony's looked at it once, the revised plans have a couple issues addressed, I want to sit down with Anthony, make sure he's happy with it and then we can put it to an end.

MR. ARGENIO: Do you have a landscaped plan, sir?

MR. PASSAROTTI: This is what we have so far as far as that's concerned.

MR. ARGENIO: You don't have a proper landscaping plan?

MR. PASSAROTTI: No, sir, not at the moment.

MR. ARGENIO: I will ask you to prepare that document.

MR. PASSAROTTI: Okay.

MR. ARGENIO: Prior to us considering final approval, I would certainly ask you to prepare that document. I would call what you have up there a rendering, I won't comment on the quality either poor or good but I'd like to see a landscaped drawing. Do you need any variances, have you had any issues with meeting your coverages or your setbacks?

MR. PASSAROTTI: There's nothing on the books for the, for zoning for this use.

MR. ARGENIO: Because it's a fire department?

MR. PASSAROTTI: Correct.

MR. EDSALL: Mr. Chairman, just one issue that was discussed at length at the workshop was the fact that notwithstanding the fact that the zoning bulk regulations may in fact not apply to the fire district looking at it from a standpoint of--

MR. ARGENIO: You used the word may, Mark.

MR. EDSALL: I do believe they do because of the regulations interpretations from the balancing of the public interest provisions.

MR. CORDISCO: That's correct.

MR. EDSALL: But assuming for the moment that they were subject to the zoning which they are not every setback requirement that exists there's a number of nonconformities that are quite significant, they're making everything better so that's--

MR. ARGENIO: The fact that they don't have to meet it would also give us quite a bit of latitude in what we have to do here.

MR. EDSALL: Right but I think it's important for the board to know that they have been sensitive to the neighborhood and are in fact improving to a significant extent all the setbacks compared to what the malades are with the current site.

MR. ARGENIO: Well, as I said to Mr. Babcock early on the people, this board has traditionally been a fan of

the fire departments and we try to support in any way, shape or form their efforts and the people in the white shirts in this audience are certainly the backbone of our community and am I right, Mr. Babcock, when I made the statement that every one of these folks is a volunteer?

MR. BABCOCK: Yes.

MR. ARGENIO: I take my hat off to all of you because I certainly have no inclination to run into a burning building, I don't know that I can do that. So I certainly take my hat off to all of you and we're here to do whatever we can do to try to bring this thing together and have it fit into the neighborhood and have it accommodate, have it be accommodating and aesthetically pleasing to the neighbors in the area. That being said, on the 25th day of September, 15 addressed envelopes went out containing the notice of the public hearing pertinent to this application. At this point in time, if there's anyone here that would like to speak for or against this application, please raise your hand, give me your name and your address for the benefit of the stenographer and you'll be afforded the opportunity to speak.

MR. VAN LEEUWEN: Mr. Chairman, I see nobody raising his hand, I make a motion to close the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor planning board close the public hearing for the Quassaick Bridge Fire Company. No further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE



MR. VAN LEEUWEN      AYE  
MR. ARGENIO          AYE

MR. ARGENIO: You folks have obviously done a fine job speaking to the neighbors and sharing with them what you're doing and dare I say possibly involving them in the process of what you're doing. I would like to see a landscaping plan, Mr. Babcock, I definitely would. Do you have any other comment on this?

MR. BABCOCK: Well, yes, I just wanted to explain how we got here. Currently, the fire department is made up of 60 volunteer members, most of them here this evening, we have four fire apparatus, we handle an average of 220 calls a year. In 2004, the Board of Fire Commissioners formed a building committee to look into the long and short range plans of our fire department, a feasibility study was conducted in November of 2006 to evaluate our current facility and future needs. After thoroughly examining all the options, it became quickly apparent that the existing fire station would not meet the standards required for current or future use, the current fire station did not meet local state and federal regulations. It was decided the needs of the fire district would best be served by the construction of a new fire station located on our expanded site. The Quassaick Bridge Fire District has committed to provide the best emergency service to the community that we serve now and well into the future. This dedication has been proven throughout the fire district's 71 year history. To continue to provide the best emergency services to protect our community we need the following, space to house and maintain the new and much larger modern fire apparatus and equipment, space for required training needed to provide first class fire fighting and emergency responses, proper facilities for decontamination after exposures to hazardous materials or infectious agents, standby rooms for our volunteers working doing during major fire storms and disasters,

modern facilities are available to our community, enough space to accommodate more than a hundred people for use as a mass shelter. With the construction of the new facility we can expect reduced maintenance and increased energy efficiency which will save the district money well into the future. The new fire station naturally will meet ADA regulations, accessible regulations, codes, our present building does not. The project could be implemented in three phases. First phase will include demolition and clearing of the existing structures on the acquired properties adjacent to our present firehouse. Phase two will involve the construction and occupancy of the new station. Phase 3 will provide the demolition of the existing fire station and final site work. Yes, we do have a plan for shrubs and trees along Walsh Road, we shared that in the workshop and yes, we do have a plan for those things on the site.

MR. ARGENIO: What's, I'm curious, what's the life expectancy of the building before it's to the point where it's obsolete or antiquated?

MR. BABCOCK: Excuse me?

MR. ARGENIO: What's the life expectancy of the facility before is obsolete, like the facility, how old is the facility you have today? Not that it's very relevant.

MR. PASSAROTTI: Seventy-one years.

MR. ARGENIO: So it's not five or 10 or 12 years?

MR. BABCOCK: No, no, it's 30 years at least.

MR. ARGENIO: Howard, do you have any questions?

MR. VAN LEEUWEN: Couple additions.

MR. ARGENIO: Howard or Danny? Okay, let me just say this, Mr. Babcock, you know we have spoken and this application is not going to go over the wire tonight, your storm water pollution protection plan is not sufficient which means it does not meet standard regulations and we cannot approve something that does not meet, I'm sure it's as firemen you folks understand there's regulations and codes that need to be cleaned up. But as far as this plan goes I'm just going to kind of quick ask the other members, Howard and Mr. Gallagher, Mr. Van Leeuwen, guys have any comments on this? I would like to see a landscaped plan next time you come in here showing us what you're going to do. Guys, have any other questions on this?

MR. BROWN: You're taking down the old firehouse before you build the new one, correct?

MR. PASSAROTTI: No, sir, it will stay in service the entire length.

MR. GALLAGHER: What's the increase in size? The current building is how big?

MR. PASSAROTTI: Square footage the footprint is about 8,000 square feet not including the two additional houses but the actual building itself is larger but the lower floor if you count the lower floor which is not usable space and that's primarily done to limit the budget and taxes.

MR. GALLAGHER: Going to have more bays than you have what, two or three?

MR. PASSAROTTI: Bays three and it will also be potential for an addition as well.

MR. BABCOCK: The existing facility is multi levels and there's three additions put on over the 71 years and no, well, at the time I shouldn't say no real thought

came into it.

MR. ARGENIO: There's a lot of that in Ducktown, additions over time, over time, over time.

MR. BABCOCK: We did it all ourselves, all by members' labor and the facility with all the square footage we're going to better utilize this square footage in the newer building with less square footage than the old building.

MR. GALLAGHER: That's all I have.

MR. VAN LEEUWEN: I think what we should do as a board make it as easy for these guys to get this done and I think it's a great, I think they're doing a great service to the community, therefore, I'd like to see this and I know we can't approve it tonight but if we could I would make a motion for approval.

MR. ARGENIO: If we could I would as well but we can't and so--

MR. VAN LEEUWEN: I know we can't.

MR. ARGENIO: I take my hat off to every one of you folks with the white shirts on in the audience. Dominic, is there anything procedural that I'm missing here?

MR. CORDISCO: I don't think so. The only thing we were just discussing briefly was whether or not this application had to be referred to the County Planning Department. It's unclear from the plans whether it meets the criteria and that was something we're going to check into and if we need to make the referral.

MR. ARGENIO: What trips that?

MR. CORDISCO: Five hundred feet.

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MR. ARGENIO: It's not 500 feet, it's not 500 feet from the highway, I'll measure it with Mr. Babcock.

MR. CORDISCO: Nothing else.

MR. ARGENIO: Mr. Babcock, get with Mark Edsall and get the plan cleaned up, get his comments cleaned up and get the SWPPP done and well I certainly agree with Mr. VanLeeuwen, we'll keep you folks moving and if my office ever catches on fire make sure you folks come over and put it out. Okay?

MR. EDSALL: Mr. Chairman, it might be beneficial for you to have the board authorize the attorney to prepare the approval resolutions.

MR. ARGENIO: Anybody take exception to us authorizing Dominic to prepare those approval resolutions so we can adopt them at the next meeting?

MR. BROWN: No.

MR. GALLAGHER: No.

MR. ARGENIO: Nobody takes exception to it, Dominic, would you please prepare those?

MR. CORDISCO: They'll be prepared.

MR. ARGENIO: Thank all you gentlemen for coming in, have a good night and Mr. Babcock, thank you.

REGULAR\_ITEMS:

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WAREX\_TERMINALS/EASTERN\_HARBOUR\_ASSOC.\_(07-28)

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MR. ARGENIO: Warex Terminals. Application proposes conveyance of approximately .854 acres from Warex lot number 70.2 to Eastern Harbour lot number 77. The plan was reviewed on a concept basis only. Sir, would you please give your name and your affiliation to the stenographer?

MR. SHAW: My name is Greg Shaw from Shaw Engineering.

MR. ARGENIO: Go ahead, Mr. Shaw, what do you have?

MR. SHAW: Representing Warex Terminals, we're asking for a lot line change. Currently Warex Terminals owns this L-shaped piece of property and they want to convey this leg of the L to Eastern Harbour Associates and therefore the property line would now extend up around here and this ultimately this leg would help them get access to their property in the back which they do not have access onto River Road currently.

MR. ARGENIO: You want to have a lot line change to convey that leg, that skinny piece?

MR. SHAW: That .854 acre leg to the piece just below it.

MR. ARGENIO: To Eastern Harbour the triangular piece?

MR. SHAW: Right.

MR. ARGENIO: Anything tricky here, Mark?

MR. EDSALL: No, straightforward lot line change. My comments are--

MR. ARGENIO: Are you changing the access onto River

Road?

MR. SHAW: For Warex Terminals?

MR. ARGENIO: For either one?

MR. SHAW: Not currently.

MR. ARGENIO: Well, wait a second, I don't understand, it looks like that gravel roadway is being conveyed as well.

MR. EDSALL: The crosshatch is an easement.

MR. ARGENIO: Okay, good, that makes it simpler. You see that, Howard?

MR. BROWN: Yup.

MR. ARGENIO: Let me see what Mark has to say. Do you have Mark's comments, Mr. Shaw? Take a copy of his comments, he's got some nickel dime cleanup things, very disappointed that the setback dimensions are not illustrated on there. Item number 3 I will poll the board how, does anybody feel about a public hearing about their lot line change? Howard?

MR. BROWN: I don't think it's necessary.

MR. ARGENIO: I mean if there's going to be some development at some point in time at a later date.

MR. BROWN: We can always just--

MR. ARGENIO: Absolutely.

MR. GALLAGHER: I don't think it's needed.

MR. VAN LEEUWEN: No.

MR. ARGENIO: Accept a motion we waive the public hearing.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning board waive the public hearing on Eastern Harbour Associates lot line change.

MR. EDSALL: Preliminary and final.

MR. ARGENIO: There's a motion on the floor to waive preliminary and final public hearing for this application.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: If there's no further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Mr. Shaw, unfortunately because you're on River Road, you have to go to the County, I'm sure you knew that before you came in. So I don't want to belabor this thing, it's very simple, get with Myra, get the notices to the County, Myra can and we'll see you when we hear from the county because they want to know about everything.

MR. SHAW: Great, thanks.



LANDS\_OF\_NADAS\_SUBDIVISION\_(07-19)

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MR. ARGENIO: Lands of Nadas. Plan proposes subdivision of the 5.19 acre parcel into two single family residential lots. The plan was previously reviewed at the 27 June, 2007 planning board meeting. Sir, what's your name?

MR. DEKAY: Richard DeKay, land surveyor.

MR. ARGENIO: We took lead agency on June 27 at the prior meeting, I see here we also waived the public hearing at the June 27 meeting and we took and we did a negative dec. Well, you're well on your way. So you're taking 5.19 acres and you're cutting it into two different, two separate lots which both meet the current 80,000 square foot zoning, is that correct?

MR. DEKAY: That's correct. In the lower left-hand corner we have the table on the lot area, the bulk table.

MR. ARGENIO: Go ahead, Mr. DeKay.

MR. DEKAY: Yeah, this is on Bull Road just passed where--this is Mr. Arthur Nadas, last time we were here Mrs. Nadas was here, she's not feeling a hundred percent tonight.

MR. ARGENIO: She's the boss.

MR. NADAS: She's the boss.

MR. DEKAY: So the gray hair guys are here.

MR. DEKAY: The required lot area is 80,000, lot 1 has 81,000 and change and lot 2 is a little bit larger, it's 144,000. Since we have been here we have gone in the field with the engineer's representative, Mark's representative and ran the perc tests and observed the

deep holes, we had a machine there to dig the pits and everything passed satisfactorily. The results of those tests are on the revised plan.

MR. ARGENIO: Mark, where does Mr. Fayo weigh in on this? Have you spoken to him about this?

MR. EDSALL: Yes, I had contacted Myra to see if he had responded with his review and hadn't gotten an opportunity but what I did was in anticipation of the need to report to the board, I got ahold of him and I stopped over at the office and reviewed the plan and I have included his comments under number 2 he wants Dick to verify the sight distances that you're showing to each direction from both lots are both 400 to one direction 300 to the other direction.

MR. DEKAY: Well, actually, the 400 feet is much further.

MR. ARGENIO: Can I see where you're pointing, Mr. DeKay please?

MR. DEKAY: There's a long straightaway that comes down here to this site, this is where the old O & W track cuts through just passed the power lines that go over Bull Road and there's the old O & W abandoned site which Mr. Nadas, Mr. and Mrs. Nadas also own and just passed that we indicate a driveway coming in, I put two stakes on either for the driveway there and we show the sight distance.

MR. ARGENIO: So Mark, where is Anthony concerned about the site distance? I don't obviously have a full picture of 20 acres of land out there but I'm looking at the curve in Bull Road and I'm vaguely familiar with that area and it would seem to me there should be adequate sight distance to achieve the 325 feet you're referencing.

MR. EDSALL: His concern is number one are the numbers on the plan correct because looking at lot 1 exiting looking to the right he would think that the distance would be a lot more than 400.

MR. DEKAY: Yes.

MR. EDSALL: So that number we think is less than what it really is.

MR. ARGENIO: Okay, so it's what Mr. DeKay's saying we have a minimum of 400 feet.

MR. EDSALL: I'll finish?

MR. ARGENIO: Go ahead.

MR. EDSALL: Looking to the left from lot 2 would be another one that's way over the 300 shown, those aren't the problems, he just wants the correct numbers there. But if you look at lot 1 and look to the left that one is shown as 300, that one is a problem because the code requires 325 so he's concerned that there might be a problem with the driveway for lot 1 looking to the left coming out.

MR. DEKAY: No, we show 400 there, Mark.

MR. EDSALL: I'm looking at 300.

MR. DEKAY: Let's take a look at your map.

MR. ARGENIO: The 400 is from lot 2, I don't see the 300 indicated on there.

MR. EDSALL: The numbers are hard to decipher. Let me show you again.

MR. ARGENIO: Well, I think Anthony's right, I mean, I think that needs to be accurate.

MR. EDSALL: Well but even if you correct those numbers his concern is that looking from this driveway there might have to be some grading.

MR. ARGENIO: Looking into the curve?

MR. EDSALL: Looking into the hill because the code requires 325 as a bare minimum and it shows 300, something's got to be done.

MR. DEKAY: Well, Mr. Nadas--

MR. VAN LEEUWEN: Got to add 25 feet.

MR. DEKAY: Mr. Nadas owns the land across the street so we can show a provision there for clearing, opening that sight distance up.

MR. EDSALL: If you can just massage those numbers to show the correct numbers and then just show that that will be cleared.

MR. DEKAY: Yes, we can do that.

MR. EDSALL: That solves that.

MR. ARGENIO: Let me just speak clear, Mr. Nadas, let me be clear and concise about this. The highway superintendent's concern is the sight distance and it's predominantly from lot 1 with the left-hand turn movement. If you can what you need to do to get approval is to do some clearing and/or grading on the lot across the street so you can acquire that, achieve that minimum 325 feet of sight distance. Have I said that correctly?

MR. EDSALL: Absolutely.

MR. ARGENIO: Did we do a negative dec?

MR. EDSALL: You have not.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning board declare negative dec under SEQRA process on the Nadas minor subdivision on Bull Road. If there's no further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: You guys see anything else here other than this thing with Anthony which I think is really, I think it needs to be remedied. Mark or Dominic, am I missing anything procedurally with this?

MR. EDSALL: If you could waive the final public hearing to be honest with you the fact that he owns the property means that that's easily solvable, we can, and he could very easily correct the bulk table on number 1 and add the 911 street numbers so this seems to be fairly straightforward.

MR. ARGENIO: Accept a motion that we waive the final public hearing on the Nadas subdivision.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

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MR. ARGENIO: Motion has been made and seconded that we waive the final public hearing on Nadas. Roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Do you guys see anything else here with this? I'll read the subject-tos in. Anything else?

MR. GALLAGHER: I'm good.

MR. BROWN: No.

MR. VAN LEEUWEN: Make a motion subject to the subject-to's, whatever you got.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we give final approval to the Nadas minor subdivision on Bull Road. This is subject to the table being corrected, it's subject to Mr. Nadas achieving that limited clearing which is, which may or may not be required to meet this site distance requirement for the left-hand turn movement from lot 1 for Mr. Fayo. You have to keep him happy, Mr. Nadas, okay? It's his call.

MR. VAN LEEUWEN: That's not easy.

MR. ARGENIO: And I think that was it, Mark, is that the only, O & W, what's the last thing?

MR. EDSALL: 911 addresses.

MR. ARGENIO: And supply the 911 addresses for the lots.

MR. EDSALL: Last item would be my comment number 3, Dick, on lot 2 the spacing between the well and the septic is less than a hundred, just need to shift the well back a little bit.

MR. DEKAY: Oh, yeah.

MR. EDSALL: Just to show a hundred.

MR. DEKAY: Yeah, we got lots of room.

MR. EDSALL: And payment of fees and you're all done.

MR. DEKAY: I will dimension that so it's clear.

MR. ARGENIO: Roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Good luck to you.

HIGHVIEW\_ESTATES\_SUBDIVISION/L.L.CHANGE\_(06-09)

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MR. ARGENIO: Highview Estates subdivision. Application proposes lot line revision followed by the resubdivision of each lot and construction of a private road. The plans were previously reviewed at the 8 March, 2006 and the May 10, 2006 planning board meetings. I see Mr. Zimmerman is here to represent this. I have read the comments, Mark's comments and I think that I am more confused after I read the comments than I was prior to reading them. So, Mr. Zimmerman, if you can endeavor to enlighten us, I think maybe we can try to have a discussion here tonight.

MR. ZIMMERMAN: Okay, I don't know Mark's comments cause I haven't seen them but--

MR. ARGENIO: Mark, would you give him a copy?

MR. EDSALL: He's getting them just now.

MR. ARGENIO: What are you trying to do, Mr. Zimmerman?

MR. ZIMMERMAN: What we're looking to do is as you have indicated in the reading of the notice that we have two existing lots that have access off of Paul Court which is an existing town road, each of the two lots is five acres in size and what we're looking to do is and there's houses on each of the two existing lots, okay, so that's the current--

MR. ARGENIO: So you have two lots on Paul Court?

MR. ZIMMERMAN: Yes.

MR. ARGENIO: Got it, go ahead.

MR. ZIMMERMAN: And they're five acres each in size and there's a single family dwelling existing on each one of those lots. What we're looking to do is to



subdivide those two existing lots into two additional lots which is shown on our plan as proposed lot number 2 and lot number 3 and those two lots been serviced by a private road which would also come in off of Paul Court.

MR. ARGENIO: Is Paul Court a public thoroughfare?

MR. ZIMMERMAN: Yes.

MR. ARGENIO: Do all these lots in the final analysis meet the 80,000 square feet?

MR. ZIMMERMAN: Yes.

MR. ARGENIO: Go ahead.

MR. ZIMMERMAN: Now, this subdivision and the plans for this subdivision were approved, had a preliminary approval from the planning board in May of 2006, we received preliminary approval at that time.

MR. ARGENIO: Has that been renewed or extended?

MR. ZIMMERMAN: It hasn't.

MR. ARGENIO: Well, that's a problem.

MR. ZIMMERMAN: Yes, it lapsed.

MR. ARGENIO: Go ahead put that aside and continue.

MR. ZIMMERMAN: So that aside, we're at the point now that there were a couple of items in the previous review I didn't see, have a chance to look at Mark's tonight but in the previous review when we got the preliminary approval the review asked for revisions for some drainage rip-rap at the outlet of our proposed drainage coming in off of the private road and some erosion control measures for proposed lot number 2 and

3. So what we did was we added those features to the plan, we also conducted soil tests with Mark's office which were witnessed.

MR. ARGENIO: What were the percs?

MR. ZIMMERMAN: Perc tests were in the neighborhood of 25, 25 minutes, you know, they were very good results.

MR. ARGENIO: Good for you.

MR. ZIMMERMAN: And those tests were witnessed by Mark's office, the septic systems have been designed in accordance with those tests and they're shown on the plan. So the plan that got the original preliminary approval is in the same configuration as was originally shown and we have added the additional features asked for by the engineer.

MR. ARGENIO: Excuse me one second, go ahead, Mr. Zimmerman.

MR. ZIMMERMAN: So we added the information that Mark had asked for in previous review and we're back before the board tonight to see if we could request the board to enact a new preliminary approval at the very least and if they felt comfortable with the plan and the revisions to grant the final approval.

MR. ARGENIO: Okay, why is the heavy lifting always at the end of the meeting? Do you have health department approval?

MR. ZIMMERMAN: We don't at this point require a health department approval since the time has been exceeded.

MR. ARGENIO: Three years has expired, is it three years, Mark?

MR. EDSALL: I thought when the application was made it

was within the three years that was what the difficulty was when I had commented on the last review comments if the health department determines that you don't need to go to them then I have no problem with it.

MR. ARGENIO: Now you say you don't need to go to the health department?

MR. ZIMMERMAN: Well, the idea is that since the time that we were in to the board, you know, at the present time now that three years has passed and we feel that we don't need to get health department approval.

MR. ARGENIO: Dominic, let me put you in the hot seat just a bit here.

MR. VAN LEEUWEN: He's used to it.

MR. ARGENIO: We have a procedure for extensions and such, how do we handle the ignoring for lack of a proper term of the coming and going of the 18th, I think it's a 6 month deadline for approval?

MR. CORDISCO: Six month, that's correct, preliminary approval is valid for six months, it can be extended, actually, it can be extended based on the board's discretion indefinitely in terms of how many six month periods unlike final approval.

MR. ARGENIO: Which is two 90 day extensions, I understand that.

MR. CORDISCO: But this is with preliminary, you know, it's there for the asking but here we have as the applicant has recognized that the approval has expired so we're proceeding with the prior application number, this is almost identical plans as was previously reviewed and approved. The question then procedurally is how the board wants to handle it. There was a public hearing that was held on the prior plan prior to

preliminary.

MR. ARGENIO: I don't specifically remember it but I'm quite sure we probably reacted to the comments and had them incorporate the things into the plan.

MR. CORDISCO: That's correct or adopt a negative declaration previously and at this point the board if the other issues are addressed in terms of the County Health Department and I think the highway superintendent had an issue, potential issue outstanding.

MR. ARGENIO: Can you hold that thought for one second cause I do want to let you finish. But you touched on highway and it's pretty basic the town will not be responsible for any drainage as long as road remains private, standard stuff with any private road. Go ahead, Dominic.

MR. CORDISCO: Correct, procedurally they need to get another preliminary approval and so the board would have to decide whether or not you want to waive public hearing and whether you want to--

MR. VAN LEEUWEN: You have to go through the whole procedure again.

MR. CORDISCO: That's correct, you could reaffirm your prior negative declaration because you've made it previously and it's not that old, I mean, it was 2006, it was just last year and so there's not really much new here.

MR. ARGENIO: So from a legal standpoint, Dominic, we have quite a bit of latitude here.

MR. CORDISCO: That's correct.

MR. ARGENIO: Or the other side of the spectrum is you

could require a public hearing to be held and go from there.

MR. VAN LEEUWEN: I don't think a public hearing is necessary for a 2 lot subdivision.

MR. ARGENIO: My logic is telling me that and I don't remember all the public hearings, obviously, but I'm sure if we had it and if we got input from the public I'm sure we reacted to it. And I suspect that it probably had something to do with the drainage in the back of lot 2 and lot 3 which have not changed substantially. Mark, can you weigh in on this a little bit? I'm not going to really ask you a direct question but it's a bit convoluted, I'd like to get your take on this thing.

MR. EDSALL: We'll address first the public hearing. I just looked back to any notes from the May 10 meeting 2006 and I see no notes that there were public comments so--

MR. ARGENIO: Myra has just brought to my attention that at that meeting she's affirmed your statement there was no public comment, so the public hearing is a non-issue, if we need to go through the formality of waiving it, I think we can do that. Go ahead, Mark.

MR. EDSALL: I would take care of that.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the public hearing preliminary and final for Highview Estates. I'll have a roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. EDSALL: Next issue which Dominc touched on very appropriately was the negative dec, you adopted one on May 10, you can reaffirm it, to my knowledge, nothing's changed, so the negative dec is still valid, you go on record saying it's still fine.

MR. ARGENIO: I'll accept a motion.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board reaffirm the negative dec for Highview Estates. No further discussion, roll call.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Go ahead, Mark, continue.

MR. EDSALL: The next item I was looking in my file to see if the highway superintendent had approved it but I'm understanding that that's in the minutes or in the record.

MR. ARGENIO: Anthony's comments are relegated to the fact that the private road drainage is a responsibility

of somebody else other than him and that's painfully obvious, I don't think that's really, that's fairly, I think that's innocuous.

MR. EDSALL: That's a done issue as far as I'm concerned. The last issue which is of concern to me clarification and candidly I'm stumped and I thought Dom would bail me out and he's stumped as to what the three year period applies to. Does it apply to when you can reapply to a board for approval or does the three years run between the original filing and the date you ask for approval on a resubdivision? And I just candidly don't know that answer what the state law says. And it impacts your ability to act because if the law says three years from time of filing to time of any application for resubdivision very well possible that this requires Orange County Department of Health approval, if in fact it runs and is liberal to the extent that it allows three years from the filing of the original subdivision to when you asked for reapproval of a resubdivision or approval of a resubdivision then maybe it doesn't apply, I just don't have that answer with me tonight, I didn't anticipate.

MR. VAN LEEUWEN: I think what we should do is find out when the map was filed and go from that point on.

MR. EDSALL: We need to know what the state law says.

MR. BIAGINI: December of '03.

MR. VAN LEEUWEN: So the three years has passed.

MR. EDSALL: All depends what the law says, the application was made in '06 so I don't know what the state law says.

MR. ARGENIO: Do you know, Dominic?

MR. CORDISCO: No, I don't and it's not, that's

something that--

MR. ARGENIO: Are you Mr. Biagini?

MR. BIAGINI: Yes.

MR. ARGENIO: I think you can see where this is going, okay, you certainly can get a flavor of what's happening here but we're not going to proceed in an unlawful fashion or in a fashion where we're not sure of the law. I won't allow that. We're certainly better than that but I think you can, you do understand?

MR. BIAGINI: Exactly.

MR. ARGENIO: The flavor that's out there?

MR. BIAGINI: Yes.

MR. EDSALL: Mr. Chairman--

MR. VAN LEEUWEN: We should withdraw the prior application.

MR. EDSALL: I wouldn't do anything until we find out if there's a problem. My point being is look at the list of issues we have now, narrowed it down to a procedural issue.

MR. ARGENIO: We have cleaned a lot of this up, Mark.

MR. EDSALL: And you obviously have to prepare a private road, completion of the bond estimate, you need to prepare a maintenance declaration for the private road, I would, and we have already reviewed the sanitary systems so as long as the health department is not involved we have already reviewed it and it looks fine. You may want to authorize Dom to go ahead and prepare the approval resolutions with the anticipation



that we don't have a hang-up on the state law, if there's a hang-up, we'll have to get ahold of Mr. Biagini and say we have a problem, it's fair.

MR. ARGENIO: I think that would be fair and effective. I think that's a reasonable way to proceed. You understand, Mr. Biagini?

MR. BIAGINI: Yes, I do.

MR. ARGENIO: Okay, Dominic, you're authorized. Does that letter affect anything we're discussing here?

MR. CORDISCO: Not that I'm aware of but these are issues that are beyond anything that I've been involved in.

MR. ARGENIO: Okay, Dominic, you're authorized to prepare those approval resolutions.

MR. CORDISCO: And I will also research this other issue.

MR. ARGENIO: That's of paramount importance, you need to research the other issue, make sure that Mr. Biagini falls within that window and we'll be prepared to effectively decide on this at the next meeting and I can assure you I will put you on the next agenda. But we did clean up, Mr. Biagini, lot of stuff that was spinning here as far as I'm concerned. Anybody have anything else on this application? Thank you.

October 10, 2007

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DISCUSSION:

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KNOX\_VILLAGE\_SENIOR\_PROJECT

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MR. ARGENIO: Knox Village has been withdrawn.

REFERRALS\_FROM\_TOWN\_BOARD\_-\_SENIOR\_HOUSING\_PROJECTS

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MR. ARGENIO: Referrals from Town Board, senior housing project. Mark, what do you have on that?

MR. EDSALL: That's the Vesid, that's just a hand-out of the--

MR. ARGENIO: That's a distribution?

MR. EDSALL: This is the case where the Town Law for senior site plan applications is one where the Town Board gets an application concurrent with the planning board and then you need to review it for just general comments on the applicability of the project relative to the intent of the Town Law, do you see any problems and we report back to the Town Board.

MR. ARGENIO: We'll put this on the next agenda.

MR. EDSALL: That and we can probably do that one and Knox Village at the same time.

MR. ARGENIO: Dominic, do you have anything else?

MR. CORDISCO: No, sir.

WILLIAM\_HELMER

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MR. EDSALL: I have one item very short. I would like to let the board know that at the board's direction, we held fast on the issue of Mr. Helmer addressing those three pipes that were constricting flow and causing back water into the area of Mt. Ellis Paper. We held fast that no closeout of the project would occur until Helmer did what he promised this board, after a lot of discomfort, he finally did what he promised.

MR. ARGENIO: He pulled the culverts?

MR. EDSALL: The culverts are all out. So Myra and I are proceeding to process the applications now so we have to report to Mr. Caplowitz that he said it would never happen in his lifetime. Well, it did.

MR. ARGENIO: Motion we adjourn.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth  
Stenographer